



GABRIEL P. HARVIS
BAREE N. FETT

June 2, 2016

BY ECF

Honorable Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Haylett, et al. v. City of New York, et al.*, 15 CV 223 (WFK) (PK)

Your Honor:

I represent plaintiffs in the above-referenced civil rights action. I write jointly with defendants pursuant to the scheduling order dated March 29, 2016, to respectfully update the Court on the status of discovery with respect to the City of New York. The parties apologize for the untimeliness of this submission.

From plaintiffs' perspective, discovery as to the City is incomplete, with the following material outstanding: 1) 9 photographs of the scene taken by DOC investigators; 2) the Investigative Action Report prepared by Alexandria Maldonado; 3) recordings of the Sprint radio transmissions; 4) the memo book entries and police paperwork prepared by the NYPD on scene; and 5) performance evaluations of Bruce Sutton. Plaintiffs have informed defense counsel that they intend to pursue their claims against the City of New York.

From the City's perspective, no further discovery is necessary prior to making a motion for summary judgment. However, in light of plaintiffs' limited request for specific documents, the City will provide these documents, to the extent they exist and are not otherwise privileged, prior to moving for summary judgment.

Hon. Peggy Kuo
June 2, 2016

Thank you for your attention to this matter.

Respectfully submitted,


Gabriel P. Harvis

cc: Elissa B. Jacobs, Esq.